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NATIONAL
OCEANIC AND
ATMOSPHERIC
ADMINISTRATION

CONTACT: Division of Highly Migratory Species
(301) 713-2347

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NMFS Issues First Comprehensive Fishing Rules for Atlantic Migratory Fish

**Fishermen & Conservationists Request Many of the Changes
to Rebuild Billfish, Shark, Swordfish and Tuna**

After six months of highly charged public debate about saving Atlantic stocks of migratory fish, the Commerce Department's National Marine Fisheries Service has issued a set of plans to rebuild these highly migratory species, and at the same time give fishermen the chance to make a living or pursue their passion for sport.

The two documents started as draft plans in October 1998 and have been modified to reflect updated scientific analyses as well as input from commercial fishermen, recreational anglers, and environmental organizations. The proposals faced significant public scrutiny during 27 public hearings and caused more than 5,000 people and organizations to submit suggested changes to current fishing practices or protection measures. The fisheries service has modified the final plans to reflect much of the public input.

"In an atmosphere of intensely competing interests, we have crafted what we think is a fair reflection of the public's wishes, while at the same time never losing sight of our goal to rebuild these species," said Terry D. Garcia, the Commerce Department's assistant secretary of commerce for oceans and atmosphere.

Garcia emphasized that domestic measures alone cannot save these species, and that U.S. fishermen are often responsible for only a small share of the fishing mortality. He placed importance on international cooperation when trying to achieve sustainable fishing practices around the globe. "The United States must work together in the international forum with the 25 other countries that also harvest these stocks. Last year we fought for and won a strong international rebuilding plan for Atlantic bluefin tuna, and we expect to do the same thing this year with swordfish to rebuild these stocks in ten years."

Atlantic highly migratory species of tunas, swordfish and billfish are managed through the International Commission for the Conservation of Atlantic Tunas, a group of 25 member countries that meets annually in Spain to exchange science, determine stock status, and set quotas.

Garcia said that one issue remains to be addressed, to protect juvenile swordfish through closed fishing areas at certain times of the year. "We will establish a closed area to protect juvenile swordfish later this year, after we consult further with constituent groups and independent advisors who have asked us to expand the size of the protected area the agency had initially proposed."

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“Fishermen and others asked for more effective regulations, and we’ve delivered by adjusting the rules to better meet the needs of recreational fishermen, and placing restrictions on some previously open commercial tuna fisheries,” said Penny Dalton, director of NOAA’s National Marine Fisheries Service. “We can achieve more robust migratory fish stocks through these plans. These regulations are designed to improve conservation measures and make commercial harvest more efficient.”

The plans look to reduce bycatch, or the incidental catch of one migratory species when fishermen are targeting another. Largely a problem in commercial longlining fisheries, the agency is reducing bycatch through temporary closed areas, changes to fishing gear, education, and limited access which caps the number of fishermen to those who have recently landed fish. Commercial longlining targets certain species of swordfish, tuna, and shark using baited, evenly spaced hooks attached to fishing line that runs five to 40 miles long.

For the recreational billfish fishery, the agency has responded to anglers’ concerns and dropped the proposed one-fish-per-vessel-per-trip catch limit, and will use a minimum size limit to meet stock rebuilding requirements. Anglers typically release more than 90 percent of the billfish they catch.

“The change from bag limits to a minimum size should be just as effective, but if our data show stock levels continuing to decline, we will raise the minimum size requirement to meet conservation objectives,” said Dalton.

Considerable attention has been placed on whether to allow the use of spotter planes in the commercial bluefin tuna fishery. The independent panel that advises the fisheries service on the management plans has recommended that their use be limited to the Atlantic bluefin tuna purse seine fishery. The agency is currently conducting a study of this practice and will propose regulations in the near future.

For the first time, yellowfin tuna will be closely monitored in both the commercial and recreational fisheries because agency managers consider the resource is fully fished and want to protect it from further fishing pressure. The number of commercial longliners allowed to harvest Atlantic yellowfin tuna will be capped to current permit holders. A bag limit of three fish per person per day was set for recreational anglers as a pro-active measure to reduce the likelihood of overharvest. Fisheries estimates indicate that average recreational fisherman catches less than three yellowfin a day.

To protect and aid in rebuilding Atlantic bluefin tuna, managers also have adopted a time and area closure for the month of June in federal waters off the coast of New Jersey that will cut in half the number of undersized bluefin tuna that longline fishermen must discard. The 21,600 square mile area was modified to reflect fishermen’s concerns about safety and economic impact. The agency chose to temporarily postpone establishing a similar closed area to protect juvenile swordfish in order to consider additional scientific data and public comments, and consider a larger, more effective area.

“Time is of the essence when it comes to protecting overfished swordfish, but we feel a short delay to consider updated analyses and public comments will give us an area that, in the end, is more effective at protecting small swordfish until they have a chance to mature and spawn,” said Dalton. “With input from our advisory panel, we expect to have the larger area in place by Sept. 1.”

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Among the other improvements –

1. To comply with reduced billfish catch limits, recreational anglers asked the agency to adjust the minimum size limits rather than limiting the number of billfish that can be kept; and implement a voluntary charter vessel observer program rather than a mandatory program. The fisheries service adopted these changes and will be able to switch to a mandatory observer program if needed data cannot be collected voluntarily. Managers will assess the effectiveness of the voluntary program in the annual report that will be completed by January 2000.
2. Fisheries managers acted on the request of recreational anglers to adjust limits on retention of coastal sharks. Fishermen are prohibited from retaining 19 shark species, because they are considered overfished. The agency set the recreational catch limit to one shark per vessel per trip with a minimum size of 4.5 feet for any species not on the prohibited list. In addition, it allowed a provision for one Atlantic sharpnose shark per person per trip. The agency has also established species-specific commercial quotas for porbeagle sharks and blue sharks. Consistent with requests from both commercial and recreational fishermen, the agency has dropped its proposal to place blue sharks on the prohibited list.
3. The independent advisory panel had requested agency managers establish a basis under ICCAT (International Commission for the Conservation of Atlantic Tunas) for negotiating fish stock rebuilding programs for Atlantic swordfish, bluefin tuna, bigeye tuna and billfish, and counting bycatch that is discarded dead against the total allowable catch quota. These proposals are formalized under this plan.
4. In order to prevent the development of a pelagic driftnet fishery, the agency will ban the use of driftnets to catch tuna. A similar ban for swordfish has been in place since January 1999.
5. For all highly migratory species, managers adopted voluntary rather than mandatory educational workshops for both recreational and commercial fishermen, and voluntary observer programs for charter boats.

The final rules also reflect public support for dozens of other unchanged elements of the two proposals.

The species managed by these plans include Atlantic bluefin, bigeye, yellowfin, albacore, and skipjack tunas, Atlantic swordfish and 72 species of sharks. The billfish include blue marlin, white marlin, sailfish and longbill spearfish.

Western Atlantic bluefin tuna, Atlantic bigeye tuna, Atlantic albacore tuna, North Atlantic swordfish, Atlantic blue and white marlins, and the 19 species that comprise the large coastal shark management group have been identified as overfished. Overfishing is exacerbated by the fact that the United States harvests most of these stocks with some 25 other fishing countries and is often responsible for only a small share of the Atlantic wide fishing mortality for these species. Quotas for many of these species are established by ICCAT, which meets annually in Spain.

For a complete list of the rules, the interim changes to the rules, and a fact sheet outlining those changes, view the agency's Web site at www.nmfs.gov/sfa/hmspg.html